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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,266	02/11/2005	Ruediger Duwendag	P70231US0	4092
136	7590	06/16/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/524,266	DUWENDAG ET AL.	
	Examiner	Art Unit	
	Hemant M. Desai	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Headings, for example: "SUMMARY OF THE INVENTION", "BRIEF DESCRIPTION OF THE DRAWINGS", "DETAILED DESCRIPTION OF THE INVENTION", etc. should be placed at appropriate places.

Appropriate correction is required.

Drawings

2. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Phrase "that" (claim 1, line 3 and 13) is confusing because it is not clear what forms the cross bottom of paper bags what is equipped with at least one glue reservoir. "it" (claim 1, line 4) is confusing because it is not clear what implements fold at the extremities of tubular segments. Regarding claim 29, it is not clear which sum of the distances and breadth applicant is referring to. "the sum of the distances" (claim 29, line 2-3) and "the breadth" (claim 29, line 6) lack proper antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe et al. (5913764) in view of Pridis (5647948).

Kolbe et al. disclose a bottoming device for cross bottom paper bags which forms the cross bottoms of paper bags that implements folds at the extremities of tubular segments (18, fig. 5) from which the bags are produced that this manner applies glue layers to the folded bottoms on the extremities of the tubular segments and/or the sheets (26, fig. 4) intended to be glued with the bottoms with the help of gluers, which connects and glues the folded bottoms and the sheets.

Kolbe et al., as mentioned above, disclose all the claimed limitations, except for a gluer. However, Pridis teaches a gluer (20, fig. 3) equipped with at least one glue duct (36, figs. 3, and 5-7) which glue is exposed to a pressure that is higher than the ambient

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pressure (see col. 4, col. 4, lines 3-18), and whereby the at least one glue duct (36) provided with at least one glue output orifice (channel 30, figs. 3-6) through which glue is directly applied on the sheets so that application of adhesive substance may be metered in superior fashion and to form different pattern of adhesive in both horizontal vertical direction of flow of the product, without causing disadvantageous changes of the quantity applied in the individual tracks (see col. 1, lines 50-54).

Regarding claim 2, the modified bottoming device discloses that the glue transfer can be carried out in a contact-free manner.

Regarding claim 3, the modified bottoming device discloses that the glue ducts (36) that supply glue to the glue output orifices (30) have at least one valve (32, fig. 6).

Regarding claims 4-15 and 20-22, the modified bottoming device discloses that the claimed limitations.

Regarding claims 16-19, the modified bottoming device discloses all the limitations, except for making the gluing head adjustable. It would have been obvious one having ordinary skill in the art at the time of invention was made the glue head adjustable to change the glue pattern and for maintenance purpose, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Regarding claim 23, the modified glue application head is supplying the glue to the nozzles under the pressure therefore it is inherent the reservoir has pressure relief and controller.

Regarding claim 26, the modified bottoming device discloses that at least one valve (32) that provides at least one glue output orifice with glue can be controlled independent of the other valves, so that the application of the glue line produced from the at least one glue output orifice can be started and stopped selectively.

Regarding claim 27, the modified bottoming device discloses that the opening and closing of the at least one valve (32) can be carried out also during the glue application of a bag component to be glued.

Regarding claim 28, the modified bottoming device discloses that at least 5 valves (32) are provided.

Regarding claim 30, the modified bottoming device discloses that the glue channels that transport the glue to a majority of valves (32) have a common cross-sectional area that is at least half as large as the sum of the cross-sectional areas of the glue output orifices that extrude this glue.

Regarding claim 31, the modified bottoming device discloses that a hard counter bearing is provided on which the bag components are located during the glue application.

Regarding claim 32, the modified bottoming device discloses that the transfer direction of the glue to the valves more stoppers are provided with which the glue channels (30) can be sealed.

Regarding claims 33-35, the modified bottoming device discloses that the sealability of the glue channels (30) is ensured by screws.

Regarding claims 36-37, the modified bottoming device discloses that at least one valve (32) that is active during the formation of a definite glue format opened or closed other points of time than the other valves (32) during the gluing.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant M. Desai
HMD